IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

Bail Appl..No. 4662 of 2007()

---

CRIME NO.392 OF 2007 OF GURUVAYUR POLICE STATION

: PETITIONER/ACCUSED

---

P.T.DEVASSY, S/O.LATE THOMA,
PANANGHAT HOUSE, THAIKAD P.O.
GURUVAYUR, THRISSUR.

BY ADV. SRI.K.N.PADMAKUMAR

RESPONDENTS: COMPLAINANT

---

STATE OF KERALA, REP. BY SUB INSPECTOR
OF POLICE, GURUVAYUR, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

---

**B.A.No. 4662 of 2007**

---

**Dated this the 1st day of August, 2007**

**ORDER**

Application for anticipatory bail. The petitioner apprehends arrest as accused in Crime No.392 of 2007 (not 399 of 2007 as shown in the petition). In the said crime, allegations are raised that the petitioner, said to be a person aged 65 years has committed the indiscretion of illicit extraction of electrical energy from his premises. He is the consumer in respect of the premises. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations are incorrect and vexatious. The petitioner has already deposited a portion of the amount which the K.S.E.B has directed him to deposit. At any rate, the investigation cannot be brought to its logical conclusion by filing a final report in the light of the decision in **Paramasivam v. Union of India** [2007(2) KLT 733]. In these circumstances, it is prayed that anticipatory bail may be granted to the petitioner.

3. Notice was given to the learned Public Prosecutor. The application is not opposed by the learned Public Prosecutor . I am

satisfied, in the facts and circumstances of the case that anticipatory bail can be granted subject of course to appropriate terms and conditions.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 08.08.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 09.08.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 08.08.07 as directed in clause (1) above, he shall be released from

custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 08.08.07.

**(R.BASANT, JUDGE)**

rtr/-